

Samuel H. Ruby (CSB#191091)  
Judith A. Whitehouse (CSB#198176)  
Paris Scott (CSB#248899)  
BULLIVANT HOUSER BAILEY PC  
601 California Street, Suite 1800  
San Francisco, California 94108  
Telephone: 415.352.2700  
Facsimile: 415.352.2701  
[samuel.ruby@bullivant.com](mailto:samuel.ruby@bullivant.com)  
[judith.whitehouse@bullivant.com](mailto:judith.whitehouse@bullivant.com)  
[paris.scott@bullivant.com](mailto:paris.scott@bullivant.com)

*Attorneys for Defendant*  
Travelers Indemnity Company of Connecticut

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

LA VELDA SINGLETON dba LOVE AND  
CARE PRESCHOOL,

Plaintiff,

vs.

TRAVELERS INDEMNITY COMPANY OF  
CONNECTICUT, et al.,

Defendants.

Case No.: CV 08 1852 (CW)

**[PROPOSED]**

**ORDER GRANTING TRAVELERS'  
CONSOLIDATED RULE 12 MOTIONS**

Hearing Date: May 22, 2008  
Time: 2:00 p.m.

Travelers' consolidated Rule 12 motions came on for hearing on May 22, 2008. Having considered all of the arguments and evidence submitted, the Court GRANTS Travelers' motions as follows.

1. Plaintiff's First, Second, Fourth, Fifth, and Seventh Causes of Action are dismissed.

2. The following allegations of plaintiff's Third Cause of Action are stricken:

- The entirety of Paragraphs 38 and 40;
- Page 7, lines 23-25 ("claiming that they made payment in accordance with the policy of insurance when in fact they withheld payment of the code improvements needed to repair the building;")
- Page 7, lines 26-28 ("claiming without any reasonable basis that Plaintiff was not entitled to code improvements that were mandated by the building department and failing to pay the actual cash value for code upgrades;")
- Page 8, lines 7-8 9 ("failing to affirm or deny coverage for the building loss and code compliance repairs within a reasonable time")
- Page 7, lines 12-14 ("misrepresented the meaning of pertinent provisions in the policy of insurance by, among other things, denying liability for Plaintiff's covered losses on the ground that she failed to sign her examination under oath")

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
United States District Court Judge

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